

REMARKS/ARGUMENTS

The Office Action mailed July 18, 2007 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

The 35 U.S.C. § 102 Rejection

Claims 1-3, 7, 10-13, 16-34, 38, 41-43, 46-48 and 65 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by *Brockman*, USPN 4,853,962. This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.¹

Independent claims 1, 29, and 65, as currently amended, are neither expressly or inherently described in *Brockman*, and therefore are not anticipated under 35 U.S.C. § 102. In particular, amended claim 1 includes the element of “a track mixer coupled to said second plurality of selection tracks, adapted to combine corresponding values of the selection tracks to produce a series of combined values, each combined value representing a function taking each of said corresponding values as a parameter.” Amended claims 29 and 65 include the element of “combining corresponding values of the selection tracks to produce a series of combined values, each combined value representing a function taking each of said corresponding values as a parameter.” *Brockman*, on the other hand, discloses a single six-digit “serial number” for each receiver, which is used to generate an index number by summing the digits. *Brockman* describes the use of only one receiver serial number to generate an index number for selecting an

¹ Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

encryption table. The function *Brockman* uses for generating an index number does not take as parameters the corresponding values from a plurality of receiver serial numbers, and therefore does not disclose or teach the inventions defined in amended claims 1, 29, and 65.

As to dependent claims 2-3, 7, 10-13, 16-28, 30-34, 38, 41-43, and 46-48, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In addition, regarding dependent claims 7, 17, 21, 38, and 47, the Examiner states that “Applicant shows that synchronizing is defined in the specification to performing operations on the tracks one at a time. Brockman does operate one track at a time.” Applicants respectfully disagrees with that characterization of how the term “synchronized” is defined in the specification. According to the specification, operations are synchronized in the situation where “[w]hen the next unit of input data is processed, the next combined value in the series is used to select a next encryption table to process the next unit” (paragraph 0050). The described synchronization has to do with encrypting or decrypting a data stream in real time using the next combined value and the next encryption table at the appropriate time. This does not place a limitation on how operations are performed on selection tracks, and whether those operations are performed concurrently or sequentially with other operations, or ahead of time, so long as the combined value is available at the appropriate time while processing a data stream in real time. In addition, with respect to claim 21, *Brockman* does not disclose a unique identification code for the apparatus, and associate that code with the encryption tables and selection tracks in a database memory file.

With regard to dependent claims 2, 18, 30, and 33, the Examiner states that *Brockman* discloses that “the tracks are generated from source files (column 3 lines 21-24).” While *Brockman* states that “[a]ll receiver serial numbers are also stored in a storage unit” (col. 3, ll.

21–22), *Brockman* does not disclose that they are stored in a “plurality of source files” (claims 2), or a selected source file from among a plurality of source files (claim 18), or a selected plurality of source files from among a database of source files (claim 30). *Brockman* also does not describe the pre-processing of the source file selection (claim 33).

With regard to claims 3 and 34, the Examiner states that *Brockman* discloses “selecting a size for the unit (column 3 lines 46-57)” because “a unit inherently has size, b[y] creating a unit, its size is selected.” However, *Brockman* does not disclose the selection or creation of a data unit.

With regard to claims 10, 23, 41, and 42 the Examiner states that *Brockman* “clearly states that the transmitter and receiver each have a plurality of encryption tables, thus a first and second plurality of encryption tables.” As currently amended, however, claims 10 and 41 indicate that the first table bank includes a “third set of encryption tables” and the second table bank includes a “fourth set of encryption tables different from the third set of encryption tables.” Claim 23 states that the second encryption/decryption file is “different from the encryption/decryption file on the first database memory.” Currently amended claim 42 indicates that the second set of encryption tables is “different from the first set of encryption tables.” In *Brockman*, however, the table banks stored at the transmitter and at the receiver contain the same tables (col. 1, ll. 63–64).

As to dependent claims 11 and 16, 24, and 46, the argument set forth above with respect to claims 10, 23, 41, and 42 are equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

With regard to claims 12 and 43, the Examiner states that *Brockman* discloses “the tables having the same address at the transmitter and receiver (column 4 lines 1-8), thus they are offset

from each other by 0.” As currently amended, however, claims 12 and 43 state that “the offset is not zero.” Brockman does not describe non-zero offsets.

With regard to claims 19, 20, 31, and 32, the Examiner states that *Brockman* “inherently uses mathematical functions and parameters” to combine values from each track. As currently amended, however, claims 19 and 31 indicate that the parameters are “selected by a user.” Also as currently amended, claims 20 and 32 indicate that the mathematical functions are selected “from among a plurality of mathematical operations.” Brockman does not describe user selection of parameters, or selection from a plurality of mathematical operations.

With regard to claims 25, 26, and 27, the Examiner states that the phrase “by which a certain pattern of the track recurs” is a “whereby” clause which is given no weight because it simply expresses the intended result. As currently amended, claim 25 makes clear that each of the selection tracks “comprises a repeated key sequence of values having a predetermined key length greater than one.” *Brockman* does not disclose selection tracks containing repeated key sequences, nor does it describe such sequences having different lengths (claims 26) or lengths that are not binary power multiples of one another (claim 27).

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Request for Entry of Amendment

Entry of this Amendment will place the Application in better condition for allowance, or at the least, narrow any issues for an appeal. Accordingly, entry of this Amendment is appropriate and is respectfully requested.


Conclusion

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,
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